IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

WP(C).No. 11233 of 2004(K)

PETITIONER:

P.M.KHADEEJA BEEVI, AGED 54 YEARS,
D/O.LATER P.M.BAVA, HEADMISTRESS, GOVERNMENT
TRIBAL L.P. SCHOOL, THUMARAPARA, KANNIMALA P.O.

BY ADV. SRI.E.S.M.KABEER
SMT.K.M.AMINABEEVI

RESPONDENTS:
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1. **THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, KOTTAYAM.**

2. **PONNAMMA, W/O.LATE T.M.ANIYANKUNJU, THEKKUMKOOTTATHIL HOUSE, KUMBAZHA P.O. PATHANAMTHITTA.**

3. **THE GOVERNMENT SCHOOL TEACHERS, CO-OPERATIVE SOCIETIES LTD. NO.K.191, KANGHAZHA, REPTD. BY ITS SECRETARY.**

BY ADV. SRI.LIJI.J.VADAKEDOM
BY GOVERNMENT PLEADER SMT. K.R. DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE COMMUNICATION ISSUED BY THE 3RD RESPONDENT DTD. 8/03/2004.

EXT.P2: COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 1ST RESPONDENT DTD. 6/01/2004.

EXT.P3: COPY OF THE COMMUNICATION ISSUED BY THE 3RD RESPONDENT DTD. 21/01/2004.

3RD RESPONDENT'S EXHIBITS:

EXT.R3(A): COPY OF THE SURETY BOND TOGETHER WITH THE CONSENT LETTER DTD. 20/09/2000 GIVEN BY THE PETITIONER TO THE 3RD RESPONDENT.

EXT.R3(B): COPY OF THE RECOVERY LETTER THUS SENT BY THE RESPONDENT TO THE DEPUTY DIRECTOR EDUCATION, KOTTAYAM.

/TRUE COPY/

Kss

KURIAN JOSEPH, J.

W.P.(C) No.11233 of 2004

Dated 20th February, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayer :-

> "To call for the records relating to Exts.P1 to P3 and to issue a writ of mandamus directing the respondents 1 and 3 not to proceed against the petitioner's salary, D.C.R.G. and other retirement benefits for realisation of the loan amount No.78/2000."

It is stated in the counter affidavit filed by the third respondent that as per Ext.R3(a)(2), the petitioner herself had executed an agreement with the Bank, agreeing to recover the amounts from the DCRG, in case default is committed by the principal debtor. The grievance of the petitioner is that the Bank has not proceeded against the principal debtor. Learned counsel appearing for the Bank submits that steps have been taken against the principal debtor. Be that as it may, since the petitioner has executed an agreement agreeing to recover the defaulted amounts from the DCRG, the petitioner cannot later turn round and contend that no recovery is permissible from the DCRG. It is for the petitioner to proceed against the second respondent. Without prejudice to such liberty, this writ petition is dismissed.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

W.P.(C)No. of 2002

J U D G M E N T

Dated 20th February, 2007.